



51306/401

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Tamburrini et al.**

Serial No.: 10/797,781

Filed: March 9, 2004

For: DATA READER FOR MULTI-MODE
OPERATION

Group Art Unit: 2876

Examiner: Thien M. Le

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING OVER A "PRIOR" PATENT

The owner¹ PSC Scanning, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any of **prior patent** Nos. 6,575,368 and 6,719,201 as the term of said **prior patent** is defined in 35 U.S.C. 154 to 156 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for, and during, such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does **not** disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. X The undersigned is an attorney or agent of record. Reg. No. 31,653.

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April 25, 2005

 X The Commissioner is authorized to charge Deposit Account No. 13-4953 for any terminal disclaimer fee(s) under 37 CFR 1.20(d) due for the filing of this paper.²

¹ Statement under 37 CFR 3.73(b) is required if terminal disclaimer is assigned by the assignee (owner).

² If there are insufficient funds in the PSC Inc.'s 13-4953 account, please charge Stoel Rives LLP deposit account no. 19-4455.